IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION NO : 10684 of 1997

Between:

Organising Secretary, Mancherial, Adilabad District, represented by M.Laxman, with Regd.No.4504/96, S/o Venkataiah, aged 27 years, Resident of H.No. 1-26-87, Hamaliwada, Mancherial represented by organizing Secreary, The Mancherial Public Telephone booth owners Association and others.

..... PETITIONER

AND

1. Telecom District Engineer, Adilabad
2. Sub Divisional Officer, Telecom, Mancherial, Adilabad District –504 105
3. Ch Ramakrishnaiah, S/o Veeraiah, Retired DOT - Employee, R/o Mancherial, Adilabad District.

(R-3 is impleaded as per court order dated 31.12.1998 in W.P.M.P.No.32544 of 1998)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more particularly in one in the nature of Writ or Mandamus declaring the action of the respondents Telecom District Engineer, Adilabad, in issuing the proceeding notification published in Eenadu daily dated

23.04.1997 as bad, illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India, and contrary to the rules and to set aside the same to the extent of Mancherial Town, Adilabad District.

Counsel for the Petitioner: MR. J.VENUGOPALA RAO

Counsel for the Respondent Nos: 1 and 2: S.C.FOR TELECOM.

Counsel for the Respondent No.3: MR.P.PRABHAKAR REDDY

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner.

This writ petition is filed seeking writ of Mandamus to declare the action of the respondents Telecom District Engineer, Adilabad, in issuing the notification which was published in Eenadu daily dated 23.04.1997 as illegal and arbitrary, and to set aside the same to the extent of Mancherial Town, Adilabad District.

Petitioner-Association states that there are 54 public telephone booths in Mancherial Town and they are being run with no profit owing to lack of market potentiality for telephone calls in Mancherial Town. It is stated that the first respondent without conducting any survey with regard to the existing profitability and utility of public telephones in Mancherial Town, issued the impugned notification calling for applications from the eligible entrants to run new telephone booths in Mancherial Town and other towns in Adilabad District. The grievance of the petitioner is that if new telephone booths are allotted in Mancherial Town, the livelihood of existing operators will be deprived. Therefore, seeking to set aside the impugned notification to the extent of Mancherial Town, the petitioner filed this writ petition.

Inasmuch as the matter as to establishment of new public telephone booths in a Town is a policy matter purely within the domain of the Telecom Department, the contention of the petitioner that if new public telephone booths are established in Mancherial Town, the business of the existing public telephone operators will affect adversely and they deprive their livelihood, cannot be

sustained.

In the above view of the matter, the writ petition has no merit and the same is accordingly dismissed. No costs.

14.03.2005

MRKR/KSR

To

1 The Telecom District Engineer, Adilabad

2 The Sub Divisional Officer, Telecom, Mancherial, Adilabad District – 504 105.

3 Two C.D.copies.

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